

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ECOLOGICAL RIGHTS FOUNDATION,
Plaintiff,
v.
U.S. ENVIRONMENTAL PROTECTION
AGENCY,
Defendant.

Case No. 20-cv-06898-SI

ORDER REQUESTING ADDITIONAL BRIEFING

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

In light of the Ninth Circuit’s recent decision in *Transgender Law Center, et al. v. ICE, et al.*, No. 20-17416, 2022 WL 1494722 (9th Cir. May 12, 2022), the Court instructs the parties to file additional briefing:

1. Identifying *specific* withheld documents that are analogous to the “draft mortality review” discussed in the Ninth Circuit’s decision, and discussing the applicability of the deliberative process privilege to such documents; and
 2. Discussing the applicability of the deliberative process privilege to the fifteen draft letters identified in Category 8, and distinguishing these letter drafts from the draft press release and mortality review deemed wrongfully withheld in the Ninth Circuit’s recent decision.

EcoRights should submit briefing by May 20, 2022; EPA should submit responsive briefing by May 27, 200. Briefs may not exceed ten pages.

IT IS SO ORDERED.

Dated: May 12, 2022

Susan Illston